IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

(1) S.B.CRIMINAL MISC. PETITION NO.882/2005
(M/s Apollo Synthetic Pvt. Ltd. Vs. Padam Chand)

(2) S.B.CRIMINAL MISC. PETITION NO.883/2005
(M/s Apollo Synthetic Pvt. Ltd. Vs. Padam Chand)

Date of Order : 28/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Sandeep Mehta for the petitioner.
Mr. Jagdish Vyas for the non-petitioner.

BY THE COURT:-

Heard learned counsel for the parties.

Learned counsel for the petitioner submits that a civil suit was also filed by the complainant non-petitioner, in which the parties have compromised the matter. Learned counsel appearing for the non-petitioner submits that merely making the payment will not absolve the petitioner from the criminal liability. He has relied on a decision of Hon'ble Supreme Court in Rajneesh Agarwal Vs. Amit J. Bhalla, AIR 2001 SC 518 wherein Hon'ble Supreme Court held that once the offence of dishonour of cheque is committed, any payment made subsequent thereto will not absolve the accused drawer of the liability of criminal offence though in the matter of awarding of sentence, it may

have some effect on the Court trying the offence.

In view of the decision of Hon'ble Supreme Court in Rajneesh Agarwal Vs. Amit J. Bhalla (supra), the petitions have no force and are therefore, dismissed. Stay petitions also stand dismissed.

(H.R.PANWAR),J.

Rp